

1 PHILLIP A. TALBERT  
United States Attorney  
2 STEPHANIE M. STOKMAN  
Assistant United States Attorney  
3 2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
4 Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
5  
6 Attorneys for Plaintiff  
United States of America

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 KEVIN LOERA,  
15 Defendants.

CASE NO. 1:22-CR-00112-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: September 27, 2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

16 **STIPULATION**

17 Plaintiff United States of America, by and through its counsel of record, and defendants, by and  
18 through defendants' counsel of record, hereby stipulate as follows:

- 19 1. By previous order, this matter was set for status on September 27, 2023.  
20 2. By this stipulation, defendant Loera now moves to continue the status conference until  
21 December 13, 2023, and to exclude time between September 27, 2023, and December 13, 2023, under  
22 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].  
23 3. The parties agree and stipulate, and request that the Court find the following:  
24 a) The government has represented that the discovery associated with this case  
25 includes reports, photographs, and audio files. All of this discovery has been either produced  
26 directly to counsel and/or made available for inspection and copying.  
27 b) Counsel for defendant Loera desires additional time to further review discovery,  
28 discuss potential resolution with his client and the government, and investigate and prepare for

1 trial.

2 c) Counsel for defendant Loera believes that failure to grant the above-requested  
3 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
4 into account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the  
7 case as requested outweigh the interest of the public and the defendant in a trial within the  
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
10 et seq., within which trial must commence, the time period of September 27, 2023 to December  
11 13, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
12 Code T4] because it results from a continuance granted by the Court at defendants' request on  
13 the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
14 best interest of the public and the defendants in a speedy trial.

15 g) The parties also agree that this continuance is necessary for several reasons,  
16 including but not limited to, the need to permit time for the parties to exchange supplemental  
17 discovery, engage in plea negotiations, and for the defense to continue its investigation and  
18 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 12, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

Dated: September 12, 2023

/s/ ROBERT LAMANUZZI  
ROBERT LAMANUZZI  
Counsel for Defendant  
Kevin Loera

**ORDER**

IT IS SO ORDERED that the status conference is continued from September 27, 2023, to **December 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: September 12, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE